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FILED

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CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY KMT DEPUTY

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

EDWARD M. STEFAN,

Plaintiff,

v.

BARONET UPHOLSTERY, JULIAN R.
HERNANDEZ, VALENTI MARITAL
TRUST and DOES 1 THROUGH 10

Defendants.

CASE NO.: '08 CV 1487 IEG NLS
CIVIL COMPLAINT

DISCRIMINATORY PRACTICES IN
PUBLIC ACCOMMODATIONS
(ONE COUNT - VIOLATION OF
AMERICAN WITH DISABILITIES ACT)
(ONE COUNT - VIOLATION OF
CALIFORNIA CIVIL CODE)
[42 U.S.C. §§12182 (a) ET. SEQ;
CALIFORNIA CIVIL CODE §§ 51, 52, 54,
54.1; CALIFORNIA HEALTH & SAFETY
CODE §19995]

NEGLIGENCE PER SE
[CALIFORNIA CIVIL CODE §§ 2338, 3333;
CALIFORNIA EVIDENCE CODE § 669(a)]

DEMAND FOR JURY TRIAL
[F.R.C.P. § 38 (b) ; Local Rule 38.1]

Plaintiff, EDWARD M. STEFAN (hereinafter referred to as "Plaintiff"), files his cause of
action against Defendants, BARONET UPHOLSTERY, JULIAN R. HERNANDEZ, VALENTI
MARITAL TRUST and DOES 1 THROUGH 10, Inclusive, (hereinafter referred to as "Defendants")
and alleges the following:

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I.

JURISDICTION AND VENUE

1. This Court has original jurisdiction of this civil action pursuant to 28 USC §1331, federal question jurisdiction, and the court's supplemental jurisdiction, 28 USC §1367. Jurisdiction is also based on the Americans with Disabilities Act ("ADA"), 42 USC §§12101 through 12111, 12181-12184 and 12201, et. seq.

2. Venue in this Court is proper pursuant to 28 USC §1391 (b) and (c).

3. Pursuant to 28 USC §1367 (a) Plaintiff shall assert all causes of action based on state law, as plead in this complaint, under the supplemental jurisdiction of the federal court. All the causes of action based on federal law and those based on state law, as herein stated, arose from a common nuclei of operative fact. That is, Plaintiff was denied equal access to Defendants' facilities, goods, and/or services in violation of both federal and state laws and/or was injured due to violations of federal and state access laws. The state actions of Plaintiff are so related to the federal actions that they form part of the same case or controversy. The actions would ordinarily be expected to be tried as one judicial proceeding.

II.

THE PARTIES

4. Defendant BARONET UPHOLSTERY and JULIAN R. HERNANDEZ are, and at all times mentioned herein were, an individual, a business or corporation or franchise of form presently unknown, organized and existing and/or doing business under the laws of the State of California. Defendant BARONET UPHOLSTERY and JULIAN R. HERNANDEZ is located at 2235 Fletcher Parkway, El Cajon, CA (hereinafter "the subject property"). Plaintiff is informed and believes and thereon alleges that this Defendant is, and at all times mentioned herein was, the owner, lessor or lessee of the subject property and/or the owner and/or operator of the subject facility located at the subject property.

5. Defendant VALENTI MARITAL TRUST is, and at all times mentioned herein was, an individual, a business or corporation or franchise of form presently unknown, organized and existing and/or doing business under the laws of the State of California. Plaintiff is informed and believes and

1 thereon alleges that Defendant VALENTI MARITAL TRUST is, and at all times mentioned herein
2 was, the owner, lessor or lessee of the subject property and/or the owner and/or operator of the public
3 accommodation located at the subject property.

4 6. Defendants DOES 1 through 10 were at all times relevant herein subsidiaries, parent
5 companies, employers, employees, agents corporate officers, managers principals and/or
6 representatives of the named Defendants. Plaintiff is ignorant of the true names and capacities of
7 Defendants sued herein as DOES 1 through 10, inclusive, and therefore sues these Defendants by such
8 fictitious names. Plaintiff will pray leave of the court to amend this complaint to allege the true names
9 and capacities when ascertained. The named Defendants and DOES 1 through 10 are hereinafter
10 collectively referred to as "Defendants."

11 7. Plaintiff is informed and believes, and thereon alleges, that Defendants and each of them
12 herein were, at all times relevant to the action, the owners, franchisees, lessees, general partners,
13 limited partners, agents, employees, employers, representing partners, subsidiaries, parent companies,
14 joint ventures and/or divisions of the remaining Defendants and were acting within the course and
15 scope of that relationship. Plaintiff is further informed and believes, and thereon alleges, that each of
16 the Defendants herein gave consent to, ratified, and/or authorized the acts alleged herein of each of the
17 remaining Defendants.

18 8. Plaintiff is an otherwise qualified individual with a disability as provided in the
19 Americans with Disabilities Act of 1990, 42 USC §12102, Part 5.5 of the California Health & Safety
20 Code, the Unruh Civil Rights Act, California Civil Code, §§51, et. seq., §§52, et. seq., the California
21 Disabled Persons Act, California Civil Code §§54, et. seq. and §55 and other statutory measures which
22 refer to the protection of the rights of "physically disabled persons." and is a resident of the County of
23 San Diego, State of California.

24 III.

25 FACTS

26 9. Plaintiff has a mobility impairment. Moreover, Plaintiff has had a history of or has been
27 classified as having a physical impairment, as required by 42 USC §12102 (2) (A).

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1 10. Defendants' facilities are public accommodations within the meaning of the Americans
2 with Disabilities Act, California Civil Code §§51 et. seq. (Unruh Civil Rights Act), California Civil
3 Code §§54 et. seq. (Disabled Persons Act), and California Health and Safety Code §§19955 et. seq..
4 Plaintiff is informed and believes and thereon alleges that Defendants have newly built or altered the
5 subject property and/or the subject facility since 1971 within the meaning of California Health and
6 Safety Code §19959.

7 11. On or about December 31, 2007 and July 11, 2008, Plaintiff personally visited the
8 public accommodation owned and operated by Defendants for the purpose of inquiring about and/or
9 availing himself of the goods, services, facilities, privileges, advantages or accommodations operated
10 and/or owned by Defendants.

11 12. Plaintiff was denied full and equal access to the facilities owned and/or operated by the
12 Defendants because the property was inaccessible to members of the disabled community. Said denial
13 of full and equal access occurred because of barriers which Plaintiff personally experienced which
14 included, but are not limited to, lack of legally compliant disabled parking space, access aisle, signage
15 and designated path of travel.

16 13. Plaintiff is informed and believes there are additional barriers to full and equal access,
17 but because of the lack of legally compliant disabled parking spaces and other barriers identified in the
18 preceding paragraph, which deterred Plaintiff from visiting or patronizing the facilities, it would have
19 been a futile gesture to attempt further access to the facilities. Plaintiff is informed and believes and
20 thereon alleges the facilities were in violation of the requirements of Title 24 of California's Building
21 Code requirements, DOJ regulations and the ADAAG, and the spirit and intent of California Vehicle
22 Code sections 22511.8, 22511.10 and 22511.11 in at least one or more of the following respects:
23 inaccessible entrance, door hardware or incorrect door entry width clearance and/or opening force
24 and/or missing kick plates; inaccessible service counters; non-compliant bathrooms; handrails, if
25 required, do not exist or comply with requirements; inadequate or incorrect landing areas; inadequate
26 or incorrect ramp and slope for access and incorrect threshold at door and/or mats or unsafe carpeting;
27 and other barriers which Plaintiff was not able to specifically observe because of the denial of access.

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1 14. Plaintiff was also denied full and equal access because of discriminatory policies and
2 practices regarding accommodating people with disabilities.

3 15. Plaintiff is informed and believes and thereon alleges that the subject facility has been
4 newly constructed and/or underwent remodeling, repairs, or alterations since 1971, and that defendant
5 has failed to comply with California and Federal access standards which applied at the time of each
6 such new construction and/or alteration.

7 16. Defendants failed to remove architectural barriers as required by law which precluded
8 Plaintiff from having full and equal access to Defendants' property.

9 17. As a result of Defendants' failure to remove architectural barriers, Plaintiff suffered
10 injuries, as same are contemplated under the statutory measures which refer to the protection of the
11 rights of "physically disabled persons.", for which Plaintiff is entitled to damages. Plaintiff does not
12 allege a distinct physical injury as same is generally understood.

13 18. The wrongful conduct of Defendants, unless and until enjoined by order of this Court,
14 will cause great and irreparable injury to Plaintiff in that Defendants' failure to provide full and equal
15 access to individuals with disabilities, including Plaintiff, denies Plaintiff access to and use of the
16 subject facility in violation of the ADA Accessibility Guidelines and/or California's Title 24 Building
17 requirements, and/or other applicable Codes statutes and/or regulations.

18 19. Plaintiff alleges that Defendants will continue to operate a public accommodation which
19 is inaccessible to him and to other individuals with disabilities.

20 20. Pursuant to 42 USC §12188(a), and 28 C.F.R. §36.304, Defendants are required to
21 remove architectural barriers to their existing facilities.

22 21. Plaintiff has no adequate remedy at law for the injuries currently being suffered in that
23 money damages will not adequately compensate him for the amount of harm suffered as a result of
24 exclusion from participation in the economic and social life of this state.

25 22. Plaintiff believes that architectural barriers precluding him full and equal access to the
26 public accommodation will continue to exist at his future visits, which will result in future
27 discrimination of Plaintiff, in violation of the Americans with Disabilities Act. Plaintiff is currently
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1 being subjected to discrimination because Plaintiff cannot return to or make use of the facilities, goods
2 and/or services offered by Defendants to the general public.

3 23. Plaintiff would return to the subject property for the purpose of inquiring about and/or
4 availing himself of the goods, services, facilities, privileges, advantages or accommodations operated
5 and/or owned by Defendants if the barriers were removed and there was full and equal access to
6 individuals with disabilities.

7 24. Plaintiff seeks damages for each and every day that he was denied access to the subject
8 property or was deterred from attempting to attend the subject place of public accommodation because
9 of continuing barriers to full and equal access.

10 IV

11 **FIRST CLAIM FOR**
12 **VIOLATION OF AMERICAN WITH DISABILITIES ACT**
13 **42 USC §12101, et. seq.**

14 (Against All Defendants)

15 25. Plaintiff re-alleges and incorporates by reference each and every allegation contained in
16 paragraphs 1 through 24, inclusive, as though set forth fully hereat.

17 26. Plaintiff was denied full and equal access to Defendants' goods, services, facilities,
18 privileges, advantages, or accommodations within a public accommodation owned, leased and/or
19 operated by Defendants, in violation of 42 USC §12182.(a). Plaintiff was therefore subjected to
20 discrimination and is entitled to injunctive relief pursuant to 42 USC §12188 as a result of the actions
21 or inaction of Defendants.

22 27. Based on the facts plead hereinabove and elsewhere in this complaint, Defendants did,
23 and continue to, discriminate against Plaintiff and persons similarly situated by denying disabled
24 persons full and equal access to Defendants' goods, services, facilities, privileges, advantages or
25 accommodations within a public accommodation, in violation of Americans with Disability Act

26 28. Plaintiff intends to visit the Defendants' facility again in the immediate future. Plaintiff
27 believes that architectural barriers precluding him from full and equal access of the public
28 accommodation will continue to exist at his future visits, which will result in the future discrimination
of Plaintiff, in violation of the Americans with Disabilities Act.

29. Plaintiff will suffer irreparable harm unless Defendants are ordered to remove architectural barriers to Defendants' public accommodation, and/or to modify their policies and practices regarding accommodating of people with disabilities. Plaintiff has no adequate remedy at law to redress the discriminatory conduct of Defendants.

30. Plaintiff seeks injunctive relief to redress his injuries as provided in the federal statutory authority referenced hereinabove, requiring compliance with federal access laws for all access violations which exist at the property, requiring removal of architectural barriers and other relief the court may deem proper.

31. Plaintiff seeks reasonable attorney fees and Plaintiff also seeks any other order that will redress the discrimination to which he has been subjected, is being subjected to and/or will be subjected.

V.

SECOND CLAIM FOR
VIOLATION OF CALIFORNIA CIVIL CODE

(Against All Defendants)

32. Plaintiff re-alleges and incorporates by reference each and every allegation contained in paragraphs 1 through 31, inclusive, as though set forth fully hereat.

33. Based on the facts plead hereinabove and elsewhere in this complaint, Defendants did, and continue to, discriminate against Plaintiff and persons similarly situated by denying disabled persons, Defendants' goods, services, facilities, privileges, advantages or accommodations within a public accommodation, in violation of California Civil Code §§ 51, et. seq., §§52, et. seq. and §§54, et. seq..

34. Defendants' actions were and are a violation of Plaintiff's rights under the Americans with Disabilities Act and the Disabled Persons Act, California Civil Code §§54. et. seq.. Plaintiff is entitled to three times his actual damages with a minimum of \$1,000.00 under California Civil Code §54.3 for each unintentional offense, as strict liability. The amount of damages suffered by Plaintiff is not yet determined . When the amount is ascertained, he will ask the Court for leave to amend this complaint to reflect this amount. Plaintiff is also entitled to attorney fees and costs.

35. The actions of Defendants were and are a violation of Plaintiff's rights under the Americans with Disabilities Act and in violation of the Unruh Civil Rights Act, California Civil Code §§51 et. seq.. Plaintiff is entitled to three times his actual damages with a minimum of \$4,000.00 under California Civil Code §52 for each offense for which Defendants' actions were intentional. Plaintiff is informed and believes that the actions of Defendants were intentional or a violation of law so intuitive and obvious that it would be hard to believe that noncompliance could be other than intentional. The amount of damages suffered by Plaintiff is not yet determined. When the amount is ascertained, he will ask the Court for leave to amend this complaint to reflect this amount. Plaintiff is also entitled to attorney fees and costs.

VI.

THIRD CLAIM FOR NEGLIGENCE PER SE

(Against All Defendants)

36. Plaintiff re-alleges and incorporates by reference each and every allegation contained in paragraphs 1 through 35, inclusive, as though set forth fully hereat.

37. At all times relevant hereto, there was in effect the Americans with Disabilities Act, California Civil Code §§51 et. seq. (Unruh Civil Rights Act), California Civil Code §§54 et. seq. (Disabled Persons Act) and California Health and Safety Code §§19955 et. seq., all of which require that public accommodations and facilities provide services to people with disabilities that are equal to, and are not inferior to, the services provided to patrons who are not physically disabled.

38. Defendants owed Plaintiff a mandatory statutory duty to make their facility accessible pursuant to, among other statutes and guidelines, ADA Accessibility Guidelines and Title 24 of the California Administrative Code and applicable Uniform Building Codes, as amended.

39. Plaintiff believes and thereon alleges that Defendants have failed to make their facilities accessible before and after remodeling, as required by California Government Code §4450 and California Health and Safety Code §19955.

40. Defendants owed Plaintiff a mandatory statutory duty to provide him full and equal access to accommodations, advantages, facilities, privileges and services of all business establishments. Plaintiff is a member of the class which these statutes are designed to protect. The aforementioned acts

1 and omissions of Defendants constitute a denial of equal access to the use and enjoyment of the
 2 Defendants' facilities by people with disabilities.

3 41. Defendants' acts or omissions alleged herein are a violation of statutory requirements
 4 including, but not limited to, the Americans with Disabilities Act, California Civil Code §§51 et. seq.
 5 (Unruh Civil Rights Act), California Civil Code §§54 et. seq. (Disabled Persons Act) and California
 6 Health and Safety Code §§19955 et. seq., and public policy, and therefore constitutes negligence per se.

7 42. As a proximate result of the action or inaction of Defendants and each of them, Plaintiff
 8 suffered the harm these statutes are designed to prevent, to wit, exclusion from and/or from unequal
 9 access to goods, services and facilities provided by Defendants to the general public and deprivation of
 10 his civil rights. Plaintiff suffered injuries, as same are contemplated under the statutory measures
 11 which refer to the protection of the rights of "physically disabled persons.", for which Plaintiff is
 12 entitled to damages, but not a distinct physical injury as same is generally understood.

13 43. Plaintiff seeks special and general damages and statutory damages according to proof, as
 14 described more fully hereinabove.

15 VII.

16 JURY DEMAND

17 44. Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff hereby requests a
 18 jury trial.

19 **WHEREFORE**, Plaintiff prays for judgment against the Defendants, and each of them, as
 20 follows:

- 21 1. An order enjoining Defendants from violating the disabled access laws of the United
 22 States and directing Defendants to remove all architectural barriers at Defendants'
 23 public accommodations;
- 24 2. An order awarding Plaintiff three times the amount of actual, special and/or statutory
 25 damages for violation of his civil rights and for restitution, but no less than \$1,000, for
 26 each day upon which the above-described barriers existed pursuant to the applicable
 27 California Civil Code Sections including, but not limited to §§52 and 54.3 for each and

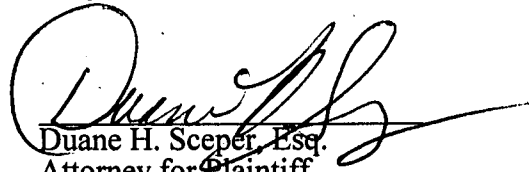
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1 every offense of California Civil Code §§51 and 54 found to be an unintentional
2 violation;

- 3 3. An order awarding Plaintiff three times the amount of actual, special and/or statutory
4 damages for violation of his civil rights and for restitution, but no less than \$4,000, for
5 each and every offense of California Civil Code §51, found to be an intentional
6 violation pursuant to the Unruh Civil Rights Act and Disabled Persons Act;
- 7 4. An award of special and general damages and statutory damages for negligence per se
8 according to proof;
- 9 5. An order awarding Plaintiff reasonable attorney fees and costs;
- 10 6. Such other and further relief as the Court deems proper.

11
12 Dated: Aug 7, 2008

Respectfully submitted,

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14 
15 Duane H. Sceper, Esq.
16 Attorney for Plaintiff

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

EDWARD M. STEFAN

(b) County of Residence of First Listed Plaintiff SAN DIEGO
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

DUANE H. SCEPER, ESQ. CSB 104004 - (619) 232-8917
P.O. Box 1551, Hayfork, CA 96041

DEFENDANTS

BARON OF MONASTERY, OLIVIA G. GONZALEZ, VALENTI MARITAL
TRUST and DOES 1 THROUGH 10County of Residence of First Listed Defendant SAN DIEGO
SOUTHERN DISTRICT OF CALIFORNIA
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
BY LAND INVOLVED DEPUTY

Attorneys (If Known)

'08 CV 1487 IEG-NLS

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input checked="" type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
				<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. 12101, et seq., 42 U.S.C. 12181, et seq., CA. Civil Code 51, 52, 54, 54.1, et seq.

Brief description of cause:

ADA Violation - Discrimination against disabled person. Access denial including NO disabled parking.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

\$50,000.00 & Inj. Relief

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

154053

AMOUNT

\$350.00

APPLYING IFP

JUDGE

MAG. JUDGE

TS 08/14/08

**UNITED STATES
DISTRICT COURT**
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION

154053 - MB

**August 14, 2008
14:58:16**

Civ Fil Non-Pris

USAO #: 08CV1487 CIVIL FILING

Judge...: IRMA E GONZALEZ

Amount..:

Check#.: BC3077

\$350.00 CK

Total-> \$350.00

FROM: EDWARD M STEFAN VS
BARONET UPHOLSTERY, ET AL